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October 29, 2013

**VIA ECF**

The Honorable Sarah Netburn  
United States Magistrate Judge  
United States District Court  
500 Pearl Street  
New York, New York 10007

**Re:** *Dedra De La Rosa v. 42nd Apple LLC d/b/a Applebees, Dave & Buster's of New York, Inc., and FC 42nd Street Associates, L.P.*

**Docket No. 13-CV-1036 (SAS) (SN)**

Dear Judge Netburn:

We represent the plaintiff, Dedra De La Rosa, in the above-entitled action. We write to inform Your Honor that Ms. De La Rosa is unlikely to be able to attend the October 30, 2013 settlement conference in this action. The reason for this is that Ms. De La Rosa is currently ill. Plaintiff respectfully requests that Your Honor either allow Ms. De La Rosa to be reachable by telephone to the extent any decision requires her approval during the conference, or that Your Honor adjourn the conference to a later date so that Ms. De La Rosa will be able to attend.

We have notified all the defendants of this situation and that plaintiff would request that Your Honor either allow Ms. De La Rosa to be available by phone, or adjourn the conference to a later date. Defendant Dave & Buster's of New York, Inc., has since notified us that it does "not consent to an adjournment but we consent to Ms. De La Rosa attending by phone". None of the other defendants have advised of their preference.

Respectfully submitted,

/s/

Adam S. Hanski, Esq.

cc all Defendants via ECF:

1. Sarah E. Bell, Esq.; Pryor Cashman LLP; Attorneys for defendant Dave & Buster's of New York, Inc.
2. Peter M. Sartorius, Esq. & Thomas J. Fleming, Esq.; Olshan Frome Wolosky LLP Attorneys for Defendant 42nd Apple, LLC.
3. Michael Tiliakos, Esq.; Duane Morris LLP; Attorneys for Defendant FC 42nd Street Associates